



STATE OF WASHINGTON
WASHINGTON STATE BOARD OF HEALTH
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December 10, 2003

TO: Washington State Board of Health Members

FROM: Carl Osaki, Board Member

**RE: UPDATE ON THE DEPARTMENT OF ECOLOGY'S PERSISTENT
BIOACCUMULATIVE TOXIN STRATEGY**

Summary

Persistent Bioaccumulative Toxins (PBTs) are associated with a range of adverse human health effects, including effects on the nervous system and reproductive system, and associated developmental and behavioral problems. Due to their developmental state, fetuses and young children are at greatest risk from PBT exposure.

In 2000, the Department of Ecology published its *"Proposed Strategy to Continually Reduce Persistent Bioaccumulative Toxins (PBTs) in Washington State,"* a comprehensive plan to reduce environmental health risks from PBTs. In January 2002, DOE began implementing the Mercury Chemical Action Plan, the first plan developed as part of the overall PBT strategy. Today the Board will hear an update from Mike Gallagher (DOE) and Rob Duff (DOH) on implementation of the Mercury Chemical Action Plan (MCAP).

In the past, the Board has supported DOE's PBT Strategy. I recommend the Board continue to support the PBT Strategy and add a statement in support of the strategy to the "Statement of Board Policy on Possible 2004 Legislative Issues," which will be discussed this afternoon (please see Tab 10). Ecology's proposed PBT reduction strategy is consistent with the Board's statutory authority to "adopt rules and standards for prevention, control, and abatement of health hazards and nuisances related to the disposal of wastes... and other environmental contaminants" [RCW 43.20.050 (2)(b)] and our mission to develop policies to promote, protect, maintain, and improve the health of Washingtonians.

Recommended Board Motion:

I recommend that the Board add the following statement to the "Statement of Board Policy on Possible 2004 Legislative Issues:"

The Board supports the goals and intent of Department of Ecology's "*Proposed Strategy to Continually Reduce Persistent Bioaccumulative Toxins (PBTs) in Washington State.*"

Background

Persistent Bioaccumulative Toxins (PBTs) are associated with a range of adverse human health effects, including effects on the nervous system and reproductive system, and associated developmental and behavioral problems. Due to their developmental state, fetuses and young children are at greatest risk from PBT exposure. For more information on the health effects of PBTs, including mercury, please see <http://www.ecy.wa.gov/programs/eap/pbt/pbtfaq.html> or <http://toxtown.nlm.nih.gov/town/main.html>.

Over the past 30 years, state and federal regulatory efforts to reduce PBT exposure risks have focused on removing lead from gasoline and house paint. Efforts to reduce lead exposure have also included education about risks from lead and, in Washington, mandatory reporting of blood lead levels. Childhood blood lead poisoning rates are decreasing nationally and in Washington. (<http://www.cdc.gov/mmwr/preview/mmwrhtml/mm4950a3.htm>, http://www.doh.wa.gov/HWS/doc/EH/EH_CLP.doc).

Recent efforts have focused on health education and on reducing mercury in the environment. The Food and Drug Administration (FDA) warned against eating certain large, long-lived predator fish due to high levels of mercury. The Washington Department of Health (DOH) also advises women of childbearing age and children under six to limit their intake of a variety of fish and shellfish due to PBT levels (<http://www.doh.wa.gov/fish/FishAdvMercury.htm>, http://www.doh.wa.gov/ehp/oehas/EHA_fish_adv.htm).

In 2000, the Department of Ecology (DOE) published "*Proposed Strategy to Continually Reduce Persisten, Bioaccumulative Toxins (PBTs) in Washington State,*" a comprehensive plan to reduce environmental health risks from PBTs. The PBT Strategy's goals are to:

- Reduce and, where possible, phase out existing sources of PBTs
- Clean up PBTs from historical sources
- Prevent new sources of PBTs
- Build partnerships to promote efforts to reduce and eliminate PBTs and coordinate with other jurisdictional programs.
- Ensure regulatory and non-regulatory approaches address cross-media (air, land, and water) effects.
- Identify and prioritize additional PBTs
- Improve public awareness and understanding of PBT problems and solutions
- Improve and promote the development of information needed to make informed decisions on measures to reduce PBTs.

For more information on the PBT Strategy: <http://www.ecy.wa.gov/biblio/0003054.html>

The Board heard from DOE on March 14, 2001 and March 13, 2002 about its PBT strategy. On June 13, 2001, the Board wrote a letter of support to the House Agriculture and Ecology Committee, describing how the PBT Strategy is consistent with the Board's work (letter attached).

The Legislature allocated DOE \$800,000 in 2001-2003 for the PBT strategy. With this funding, DOE and DOH (via an interagency funding agreement) developed the Mercury Chemical Action Plan (MCAP) (<http://www.ecy.wa.gov/biblio/0303001.html>). A 22-member external “mercury advisory committee” provided extensive input on development of the MCAP. Mike Gallagher and Rob Duff will describe MCAP implementation, to date (see presentation behind Tab 8).

The 2003 Legislature allocated zero 2003-2005 biennium funding to DOE for future PBT Strategy or MCAP implementation. As a result, DOE efforts to develop agreements with the Washington State Hospital Association and the auto recyclers to reduce mercury in hospital and auto recycling waste streams are on hold. DOE efforts to continue improving fluorescent lamp recycling rates are also on hold. DOE will also need to secure additional funding before it can develop a chemical action plan for an additional PBT.

In April/May 2003, however, the legislature passed and the Governor signed Engrossed Substitute House Bill (ESHB) 1002, a mercury reduction and education act. Governor Locke vetoed the intent section of legislation that stated that fish caught in our region are safe to eat, noting that DOH fish advisories demonstrate that contamination of our waters is a serious issue that needs to be addressed. In his partial veto message (attached), Governor Locke wrote “this bill provides protection for our environment and for the people of our state from potential contamination by mercury, a chemical so toxic that 1/20th of a teaspoon can contaminate a 20 acre lake to the point that the fish cannot be consumed.” The 2003-2005 budget provided funds to DOE (\$100,000) and DOH (\$144,000) for implementation of this act.

ESHB 1002 fits with the PBT Strategy, but is more limited in scope. The act directs DOH to develop an education plan for schools, local governments, businesses, and the public on proper disposal methods for mercury and mercury-added products. DOE is authorized to participate in a clearinghouse to assist in carrying out the act. This will include providing information on product purchasing alternatives and on proper management and recycling of the mercury and mercury compounds that schools are required to remove and dispose of properly.

Attachments